



12 AF

PATENT  
ATTORNEY DOCKET NO.: 024607-5002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Shinji YOKO et al.

Confirmation No.: 9086

Application No.: 09/871,697

Group Art Unit: 3623

Filed: June 4, 2001

Examiner: Andre D. Boyce

For: MULTI-DIMENSIONAL  
MANAGEMENT METHOD  
AND SYSTEM

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Mail Stop Appeal Brief – Patents**  
Alexandria, VA 22314

Sir:

**APPELLANTS' BRIEF UNDER  
37 C.F.R. § 41.37 TRANSMITTAL FORM**

1. Transmitted herewith is an Appellants' Brief under 37 C.F.R. § 41.37 which is being submitted further to the Notice of Appeal filed November 21, 2008.
2. Additional papers enclosed:

- ☐ Request for Presence at the Appeal Conference
- ☐ Form PTO-1449, \_\_\_r\_\_\_ eferences included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Oral Hearing Under 37 C.F.R. § 41.47

- ☐ Oral hearing is hereby requested.  
☐ Fee under 37 C.F.R. § 41.29(b)(3) is enclosed.

4. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicants believe that no additional extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input type="checkbox"/> two months	\$ 490.00	\$ 245.00
<input type="checkbox"/> three months	\$ 1,110.00	\$ 555.00
<input type="checkbox"/> four months	\$ 1,730.00	\$ 865.00

Extension of time fee due with this request: **\$0.00.**

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

5. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ Please charge Deposit Account No. 50-0310 the total amount due of **\$540.00** for filing a brief in support of an Appeal.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

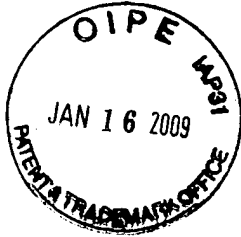
**MORGAN LEWIS & BOCKIUS LLP**

Dated: January 16, 2009

By: 

Robert T. Burns, Jr.  
Reg. No. 60,545

**CUSTOMER NO. 009629**  
**MORGAN LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 739-3000



PATENT  
ATTORNEY DOCKET NO.: 024607-5002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Shinji YOKO et al.

Confirmation No.: 9086

Application No.: 09/871,697

Group Art Unit: 3623

Filed: June 4, 2001

Examiner: Andre D. Boyce

For: MULTI-DIMENSIONAL  
MANAGEMENT METHOD  
AND SYSTEM

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Mail Stop Appeal Brief – Patents**  
Alexandria, VA 22314

Sir:

**APPELLANTS' BRIEF UNDER 37 C.F.R. § 41.37**

This brief is in furtherance of the Notice of Appeal filed in the above-identified patent application on November 21, 2008. This Brief is submitted in the format specified in the current rules, rather than the format specified in the rules originally scheduled to become effective December 10, 2008. As announced in the Federal Register on December 10, 2008, either format is acceptable.

01/21/2009 AWONDAF1 00000067 500310 09071697  
01 FC:1402 540.00 DA

1. **The Real Party In Interest**

The real party in interest in this appeal is TDK Corporation of Tokyo, Japan.

2. **Related Appeals and Interferences**

Appellants are not aware of another appeal for this case. There are no co-pending U.S. patent applications.

3. **Status of Claims**

The status of the claims is as follows:

Claim rejected:	24-35.
Claims objected to:	none.
Claims allowed:	none.
Claims withdrawn:	none.
Claims canceled:	1-23.
Claim appealed:	24-35.

4. **Status of Amendments**

All Amendments have been entered to date. The pending claims are attached in the Claims Appendix.

5. **Summary of the Claimed Subject Matter**

The present invention relates to a multi-dimensional management method and system, and more particularly, to a management method and system for defining and managing corporate objectives. Paragraph [0003].

**Independent Claims 24, 25, 30, and 31**

Independent claims 24, 25, 30 and 31 relate to a system and method for setting and executing corporate strategies and objectives based on one or more parameters. Paragraph [0080]. More specifically, these claims relate to a multi-dimensional matrix management structure characterized by multiple inputs, mutuality, and information sharing. Paragraphs

[0008] and [0085]; FIG. 4. In independent claims 24, 25, 30, and 31, objectives are set based on the four parameters 2 of product 3, territory 4, application 5, and account 6 (as shown, for example, in paragraph [0083] and FIG. 3), and each axis parameter can be arbitrarily selected and displayed. Paragraph [0120]; Table 2. While other management systems employ a hierarchical approach (as shown, for example, in FIG. 1), information in claims 24, 25, 30, and 31 is shared in a horizontally and vertically integrated management system. Paragraph [0084]; FIG. 3. For example, if a design facility located in Chile needs marketing information for a product to be manufactured in Korea and sold in Japan, parties can communicate directly with each other rather than overwhelming a single point of contact. Paragraph [0086].

The multi-dimensional matrix information sharing described above would overwhelm a traditional hierarchical management structure. As shown in FIG. 6 and described in paragraph [0089], objectives in independent claims 24, 25, 30, and 31 are managed so that they cover all relevant areas, such as sales, marketing, engineering, financial performance, administration, and human resources. *Id.* The major objectives are determined in view of the four parameters 2 of FIG. 3, as well as inputs from the market 105, staff 106, and other sources 107. *Id.* Minor objectives 250 are determined through a consensus process involving senior management, the managers, and team members (staff). Paragraph [0092]; FIG. 7.

In addition to the features described above, independent claims 25 and 31 include the added feature of “managing a sales achievement by comparing said initial target with said actual performance corresponding to said initial target and based on this comparison sorting said initial target and/or said actual performance, sorted by at least one threshold having at least one step.” Paragraphs [0096] and [0098]; FIG. 8. In independent claims 25 and 31, because comparison results can be sorted by at least one threshold with at least one step (for example, 100%

achievement, 80% achievement, 50% achievement, etc.), targets can be easily compared on each axis. Paragraph [0058].

**6. Grounds of Rejection To Be Reviewed On Appeal**

The ground of rejection to be reviewed on appeal is whether claims 24-35 are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,895,403 (*Cardwell*), in view of *Selling by Objective* (SBO), May 1984.

**7. Argument**

Appellants respectfully assert that the rejections under 35 U.S.C. § 103 are improper and should be reversed. Appellants argue the rejections of independent claims 24, 25, 30, and 31 together. The dependent claims stand or fall with their respective independent claims, and are not argued separately.

**A. Cardwell and SBO Fail to Prompt One of Ordinary Skill in the Field to Combine Elements of the Prior Art to Obtain Each and Every Element of Claims**

Claims 24-35 stand rejected under 35 U.S.C. § 103(a) as being upatentable over U.S. Patent No. 6,895,403 (*Cardwell*), in view of *Selling by Objective* (SBO), May 1984. Appellants respectfully traverse this rejection as being based upon references that when combined neither teach nor suggest the novel combination of features recited in independent claims 24, 25, 30, and 31.

**1. Neither Cardwell Nor SBO Teach or Suggest a Multi-Dimensional Matrix**

The Office Action begins by stating at page 2 that *Cardwell* discloses the multi-dimensional matrix recited in claims 24, 25, 30, and 31 at *Cardwell* 5:19-23 and FIG. 1.

Appellants respectfully disagree.<sup>1</sup> Independent claims 24, 25, 30, and 31 recite in part “a

---

<sup>1</sup> Appellants also note that the Office Action contradicts this assertion at page 4, lines 1 and 2, stating that for claim 30 “*Cardwell et al* does not explicitly disclose storing on four axes simultaneously an initial target” (emphasis added), but does for claim 31. See page 4, lines 13-17.

database in the form of a multi-dimensional matrix.” In contrast, *Cardwell* discloses a hierarchical management method for managing an objectives-based business plan that looks at various parameters individually. Rather than teaching a matrix approach, *Cardwell* 5:19-23 teaches that “upper management of the organization determines the future of the organization.” *Id.* (emphasis added). *Cardwell* begins at the organizational level and works down to the individual level. A project scope is not discussed at the next level until it has “trickled down” from the level above. *Cardwell* at 6:30-34.

*Cardwell* further discloses that the “top level of the system can be divided into as many pieces as necessary,” *Cardwell* at 5:44-45 (emphasis added), or “[the system] can start as one piece and have divergent pieces from there.” *Id.* at 5:47-48 (emphasis added). There is no evaluation of how performance in one area affects performance in other project areas. *See, e.g., Cardwell* 5:57-59. Instead, management sets the scope, authority, and limits for each priority individually. *Id.* at 6:57-61. Manager and team member performance are evaluated based on single-variable criteria. This is shown, for example, at *Cardwell* 8:59 and in example A on columns 4 and 5. There, *Cardwell* lists priorities in a single column. Each priority is evaluated independently of the others, using fixed subcategories specific to the particular criterion. *Cardwell* 6:46-48. Accordingly, *Cardwell* evaluates parameters in isolation, and does not disclose, teach or suggest “a database in the form of a multi-dimensional matrix.”

SBO fails to overcome the deficiencies of *Cardwell*. Like *Cardwell*, SBO teaches a method of setting priorities (objectives), evaluating them on a periodic basis, and measuring their achievement independently. SBO ¶ 5 (emphasis added). Each objective is evaluated independently of other priorities. Rather than teaching a matrix, SBO teaches that the parameters used to measure each objective in SBO are merely subobjectives of an isolated



objective. SBO ¶ 10. Accordingly, Appellants respectfully assert that amended independent claims 24, 25, 30 and 31 are allowable over Cardwell and SBO, whether taken singly or combined. Moreover, Appellants respectfully assert that dependent claims 26-29, and 32-35 also are allowable at least because of their respective dependencies from independent claims 24, 25, 30 and 31, and the reasons set forth above.

2. Neither Cardwell Nor SBO Teach or Suggest Four Inter-related Axes That Communicate Horizontally and Vertically With Each of the Other Four Axes

Independent claims 24, 25, 30, and 31 recite in part “four inter-related axes” that “communicate both horizontally and vertically with each of the other axes.” The Office Action asserts at pages 3 and 5 that *Cardwell* teaches this feature at column 11, lines 62-67. Appellants respectfully disagree. Even if *Cardwell* disclosed “four inter-related axes” at 11:62-67 (which Appellants submit it does not) the *Cardwell* axes would not “communicate both horizontally and vertically with each of the other four axes” (emphasis added). Instead, changes are only communicated along a single axis. For example, *Cardwell* discloses that when one business priority changes, “the team and individual who are working on this priority will be notified of the change so they can adjust the task or project they are working on.” *Id.* at 12:36-39 (emphasis added).

SBO fails to remedy the deficiencies noted above. Even if the objectives and sub-objectives of SBO were “based upon the four considerations (*i.e.*, axes)” (and Appellants submit they are not), they would still fail to teach or suggest “wherein each of the four axes communicate both horizontally and vertically with each of the other four axes” (emphasis added). Instead, each sub-objective falls under an “‘umbrella’ objective”, SBO ¶ 14, with “a list of sub-objectives needed to reach the main objective.” SBO ¶ 15 (emphasis added). The “considerations” the Office Action points to in SBO ¶¶ 21-23 (at page 9 of the Office Action) are

actually nothing more than sub-objectives of a single main objective – forecasted sales. Like *Cardwell*, SBO fails to teach or suggest “four inter-related axes” that “communicate both horizontally and vertically with each of the other axes.” Accordingly, Appellants respectfully assert that amended independent claims 24, 25, 30 and 31 are allowable over *Cardwell* and SBO, whether taken singly or combined. Moreover, Appellants respectfully assert that dependent claims 26-29, and 32-35 also are allowable at least because of their respective dependencies from independent claims 24, 25, 30 and 31, and the reasons set forth above.

3. Neither *Cardwell* Nor SBO Teach Arbitrarily and Simultaneously Selected Axes

Independent claims 24, 25, 30, and 31 further recite “managing an achievement of the target by reading the said initial target and said actual performance and arbitrarily selecting any one or more from said four axes simultaneously” and “displaying a table of said initial target and/or said actual performance along the arbitrarily and simultaneously selected axis or axes on the local and/or remote terminal, wherein said initial target is ranked and sorted by value of the initial target.”

The Office Action asserts at pages 3 and 5 that *Cardwell* teaches “arbitrarily selecting any one or more [parameters] from said four axes simultaneously.” *Id.* at 3 and 5. Appellants respectfully disagree. For example, in *Cardwell*, individual teams are assigned to a “particular” business priority. Performance in *Cardwell* is evaluated on accomplishment of “chronological listing[s]” of “specific outcomes,” of a single portion of the project. *Cardwell* at 7:49-51. Each step is done sequentially, and the scope of the project is not discussed at the next level until it has “trickled down” from the level above. *Cardwell* at 6:30-31. Accordingly, Appellants assert that *Cardwell* lacks any teaching or suggestion of “arbitrarily selecting any one or more [parameters] from said four axes simultaneously.”

Appellants note that the Office Action does not rely on SBO, alone or combined with *Cardwell*, to correct the deficiency noted above. Moreover, Appellants respectfully submit that neither reference can remedy this deficiency. Accordingly, Appellants respectfully assert that the Board should reverse the rejections under 35 U.S.C. § 103(a) because each reference, alone or combined, fails to disclose each and every element of independent claims 24, 25, 30, and 31. Furthermore, both references also fail to provide any reason that would prompt one of ordinary skill in the relevant field to combine elements of the prior art in the way the claimed invention does in claims 24, 25, 30, and 31. Moreover, Appellants respectfully assert that dependent claims 26-29, and 32-35 also are allowable at least because of their respective dependencies from independent claims 24, 25, 30 and 31, and the reasons set forth above.

B. Conclusion

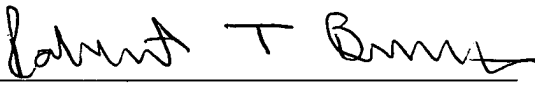
In view of the foregoing, Appellants respectfully request the reversal of the Examiner's rejections and allowance of the pending claims. If there are any other fees due in connection with the filing of this Appeal Brief, please charge the fees to our Deposit Account No. 50-0310.

If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account No. 50-0310.

Respectfully submitted,

**MORGAN LEWIS & BOCKIUS LLP**

Dated: January 16, 2009

By:   
Robert T. Burns, Jr.  
Reg. No. 60,545

**CUSTOMER NO. 009629**  
MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
Tel.: (202) 739-3000  
Fax: (202) 739-3001

**8. Claims Appendix**

Claims 1-23 (Canceled)

Claim 24 (Previously Presented) A system for managing corporate objectives in a multi-dimensional matrix, the system comprising:

means for storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix consisting of four inter-related axes of a product, a territory, an application and an account, wherein each of the four axes communicate both horizontally and vertically with each of the other axes;

means for prompting to input an actual performance including actual money or volume of sales performance and actual sales activities corresponding to said initial target by using a local and/or remote terminal;

means for receiving said actual performance;

means for storing said received actual performance in the database on four axes simultaneously;

means for managing an achievement of the target by reading the said initial target and said actual performance and arbitrarily selecting any one or more from said four axes simultaneously; and

means for displaying a table of said initial target and/or said actual performance along the arbitrarily and simultaneously selected axis or axes on the local and/or remote terminal, wherein said initial target is ranked and sorted by value of the initial target.

Claim 25 (Previously Presented) A system for managing corporate objectives in a multi-dimensional matrix, the system comprising:

means for storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix consisting of four inter-related axes of a product, a territory, an application and an account, wherein each of the four axes communicate both horizontally and vertically with each of the other axes;

means for prompting to input an actual performance including actual money or volume of sales performance and actual sales activities corresponding to said initial target by using a local and/or remote terminal;

means for receiving said actual performance;

means for storing said received actual performance in the database on four axes simultaneously;

means for managing an achievement of the target by reading the said initial target and said actual performance and arbitrarily selecting any one or more from said four axes simultaneously;

means for displaying a table of said initial target and/or said actual performance along the arbitrarily and simultaneously selected axis or axes on the local and/or remote terminal, wherein said initial target is ranked and sorted by value of the initial target; and

means for managing a sales achievement by comparing said initial target with said actual performance corresponding to said initial target and based on this comparison sorting said initial target and/or said actual performance, sorted by at least one threshold having at least one step, and displaying them on the local and/or remote terminal.

Claim 26 (Previously Presented) The system according to claim 25, wherein said means for managing a sales achievement further comprises means for changing a display style of said

initial target and/or said actual performance based on said comparison and displaying them on the local or remote terminal.

Claim 27 (Previously Presented) The system according to claim 24, wherein said actual performance further comprises a progress code, expressing progress status, including at least 'on the schedule', 'behind the schedule' and 'completed', and the system further comprises means for managing progress by displaying the actual performance based on the progress code and/or any one of said four axes on the local and/or remote terminal.

Claim 28 (Previously Presented) The system according to claim 24, further comprising means for altering said initial target based on said actual performance and/or business trend.

Claim 29 (Previously Presented) The system according to claim 27, further comprising means for altering said initial target based on said actual performance and/or business trend.

Claim 30 (Previously Presented) A method for managing corporate objectives in a multi-dimensional matrix, comprising the steps of:

storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix consisting of four inter-related axes of a product, a territory, an application and an account, wherein each of the four axes communicate both horizontally and vertically with each of the other axes;

prompting to input an actual performance including actual money or volume of sales performance and actual sales activities corresponding to said initial target for a predetermined term until predetermined due date by using a local and/or remote terminal;

receiving said actual performance;

storing said received actual performance in the database on four axes simultaneously;

managing an achievement of the target by reading said initial target and said actual performance and arbitrarily selecting any one or more from said four axes simultaneously; and

displaying a table of said initial target and/or said actual performance along the arbitrarily and simultaneously selected axis or axes on the local and/or remote terminal, wherein said initial target is ranked and sorted by value of the initial target.

Claim 31 (Previously Presented) A method for managing corporate objectives in a multi-dimensional matrix, comprising the steps of:

storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix consisting of four inter-related axes of a product, a territory, an application and an account, wherein each of the four axes communicate both horizontally and vertically with each of the other axes;

prompting to input an actual performance including actual money or volume of sales performance and actual sales activities corresponding to said initial target for a predetermined term until predetermined due date by using a local and/or remote terminal;

receiving said actual performance;

storing said received actual performance in the database on four axes simultaneously;



managing an achievement of the target by reading said initial target and said actual performance and arbitrarily selecting any one or more from said four axes simultaneously;

displaying a table of said initial target and/or said actual performance along the arbitrarily and simultaneously selected axis or axes on the local and/or remote terminal, wherein said initial target is ranked and sorted by value of the initial target; and

managing a sales achievement by comparing said initial target with said actual performance corresponding to said initial target and based on this comparison sorting said initial target and/or said actual performance, sorted by at least one threshold having at least one step, and displaying them on the local or remote terminal.

Claim 32 (Previously Presented) The method according to claim 31, further comprising the step of managing a sales achievement further comprises; changing a display style of said initial target and/or said actual performance based on said comparison and displaying them on the local and/or remote terminal.

Claim 33 (Previously Presented) The method according to claim 30, wherein said actual performance further comprises a progress code, expressing progress status, including at least 'on the schedule', 'behind the schedule' and 'completed', and the method further comprises managing progress by displaying the said actual performance based on the said progress code and/or any one of said four axes on the local and/or remote terminal.

Claim 34 (Previously Presented) The method according to claim 30, further comprising altering said initial target based on said actual performance and/or business trend.

Claim 35 (Previously Presented) The method according to claim 33, further comprising altering said initial target based on said actual performance and/or business trend.

9. **Evidence Appendix**

No information is appended under this section.

10. **Related Proceedings Appendix**

No information is appended under this section.